

Message Text

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EA ONLY

E.O. 11652:GDS

TAGS: SHUM, TH

SUBJECT: HUMAN RIGHTS COUNTRY EVALUATION PLAN

1. THE HUMAN RIGHTS COUNTRY EVALUATION PLAN FOR THAILAND HAS BEEN COMPLETED, CLEARED WITHIN THE DEPARTMENT AND APPROVED BY THE BUREAU OF HUMANITARIAN AFFAIRS (HA). PART A AND THE INTRODUCTION WILL BE SUBMITTED TO CONGRESS AS PART OF THE CONGRESSIONAL PRESENTATION DOCUMENT (CPD), WHILE PART B WILL REMAIN CLASSIFIED. THE TEXT OF PART A APPEARS BELOW. PART B WILL BE SENT SEPTTEL. CURRENT PLANS ARE FOR PART B TO BE REVIEWED BY THE INTERAGENCY COMMITTEE ON HUMAN RIGHTS (THE CHRISTOPHER COMMITTEE) AT A LATER DATE. PART A WAS SUPPOSED TO BE TYPED IN THE SPECIAL FORMAT FOR THE CPD AND SUBMITTED TO THE DEPUTY SECRETARY BY DECEMBER 15 IN ORDER TO MEET A TIGHT SCHEDULE FOR FINAL SEVENTH FLOOR REVIEW AND PRINTING, BUT A NUMBER OF REPORTS ARE RUNNING CONFIDENTIAL

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LATE. THE TEXT IS BASED ON OR INCORPORATES MAJOR ELEMENTS FROM EMBASSY'S PREVIOUS COMMENTS AND REPORTS.

2. TEXT OF PART A IS BEING TRANSMITTED FOR YOUR INFORMATION AND COMMENTS BUT NOT FOR DETAILED CLEARANCE OR ALTERATION GIVEN THE CONSTRAINTS UNDER WHICH WE ARE OPERATING. IF POSTS FIND MAJOR FACTUAL ERRORS OR BELIEVE

SEVERE DAMAGE WILL RESULT TO U.S. INTERESTS FROM SPECIFIC STATEMENTS, WE SHOULD BE INFORMED BY IMMEDIATE TELEGRAM

WITH EA ONLY CAPTIONS. INSTRUCTIONS WILL BE GIVEN LATER CONCERNING ADVANCE NOTIFICATION OF HOST GOVERNMENTS. WHILE ANY COMMENTS ON PART B NEED NOT BE TRANSMITTED AS URGENTLY AS PART A, YOU SHOULD BE AWARE THAT CHANGES WILL BE EXTREMELY DIFFICULT TO EFFECT AT THIS ADVANCED STAGE FOLLOWING "FINAL" CLEARANCES. TEXT FOLLOWS:

BEGIN TEXT.

HUMAN RIGHTS EVALUATION PLAN: THAILAND

INTRODUCTION: THE PRESENT THAI GOVERNMENT ASSUMED CONTROL IN OCTOBER 1977, ONE YEAR AFTER THE OCTOBER 1976 COUP. THE GOVERNMENT, HEADED BY PRIME MINISTER (AND GENERAL) KRIANGSAK CHAMANAN, HAS CIVILIAN AND MILITARY MINISTERS, AND IS RESPONSIBLE TO A GROUP OF SENIOR MILITARY OFFICERS. IT OPERATES UNDER AUTHORITY OF AN INTERIM CONSTITUTION, SIGNED BY THE KING OF THAILAND, WHICH ESTABLISHES AN APPOINTED NATIONAL ASSEMBLY TO WRITE A PERMANENT CONSTITUTION AND WHICH CALLS FOR NATIONAL ELECTIONS NO LATER THAN APRIL, 1979.

A. CONDITION OF HUMAN RIGHTS IN THAILAND CONFIDENTIAL

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1. RESPECT FOR THE INTEGRITY OF THE PERSON

A) TORTURE: WE ARE UNAWARE OF ANY REPORTS OF TORTURE IN THAILAND.

B) CRUEL, INHUMAN OR DEGRADING PUNISHMENT: RECENT THAI GOVERNMENTS, INCLUDING THE THANIN GOVERNMENT, HAVE NOT FOLLOWED POLICIES WHICH PERMITTED CRUEL, INHUMAN OR DEGRADING PUNISHMENT. SEVERAL OF THE STUDENTS AND ACTIVISTS WHO WERE ARRESTED AND SUBSEQUENTLY RELEASED FOLLOWING THE STUDENT-POLICE CONFRONTATION AT THAMMASAT UNIVERSITY ON OCTOBER 6, 1976 HAVE CLAIMED THEY WERE SUBJECTED TO HARSH TREATMENT (E.G. BEATINGS) IN THE PERIOD IMMEDIATELY FOLLOWING THEIR ARREST. THESE CHARGES HAVE NOT BE SUBSTANTIATED, TO OUR KNOWLEDGE, BY OTHER SOURCES INCLUDING HUMAN RIGHTS ORGANIZATIONS. THE 18 STUDENTS AND ACTIVISTS WHO HAVE HAD CHARGES FILED AGAINST THEM FOR THEIR ROLE IN THE THAMMASAT AFFAIR HAVE BEEN VISITED BY REPRESENTATIVES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS AND THE INTERNATIONAL COMMISSION OF JURISTS. WE ARE UNAWARE OF ANY AVAILABLE REPORTS WHICH ADDRESS THE TREATMENT OF PRISONERS.

C) ARBITRARY ARRESTS OR IMPRISONMENT: ON OCTOBER 6, 1976 PRIME MINISTER SENI PRAMOT, HEAD OF THE LAST DEMOCRATICALLY-ELECTED GOVERNMENT, ORDERED THE ARREST OF A GROUP OF STUDENTS AT THAMMASAT UNIVERSITY. THE RESULTING

POLICE-STUDENT CONFRONTATION LEFT 40 DEAD AND APPROXIMATELY 3,000 PERSONS, MOSTLY STUDENTS, ARRESTED. BY OCTOBER 20, THE GOVERNMENT HAD RELEASED ALL BUT SOME 400 OF THE ARRESTED STUDENTS. AT PRESENT, ALL BUT 19 HAVE BEEN RELEASED. A MILITARY COURT IS HEARING CHARGES AGAINST 18 OF THE THAMMASAT GROUP. THE NINETEENTH IS BEING TRIED FOR LESE MAJESTE BY A CIVILIAN COURT. PARTIALLY AS A RESULT OF THE OCTOBER 6 VIOLENCE, THE THAI MILITARY SEIZED
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CONTROL OF THE GOVERNMENT. ONE OF THE EARLY DECREES ISSUED BY THE MILITARY LEADERSHIP WAS MARTIAL LAW ORDER NUMBER 22. THIS DECREE ALLOWS FOR THE DETENTION WITHOUT TRIAL FOR 30 DAYS AND FURTHER "VOCATIONAL TRAINING" INDEFINITELY. ORDER NUMBER 22 SPECIFIES NINE CATEGORIES OF OFFENDERS, SIX OF WHICH INVOLVE CRIMINAL ACTIVITY (E.G. INTIMIDATION, VAGRANCY, ILLEGAL POSSESSION OF WEAPONS, ILLEGAL GAMBLING, PROSTITUTION, HOARDING, USURY) AND THREE CATEGORIES POTENTIALLY INVOLVING POLITICAL CONDUCT (INSTIGATING CONFUSION, ADVOCATING POLITICAL SYSTEMS OTHER THAN THOSE HEADED BY THE KING AND LABOR STRIKES). OF THE SEVERAL THOUSANDS WHO HAVE BEEN DETAINED UNDER ORDER NUMBER 22, MOST ARE HELD FOR SHORT PERIODS OF TIME BEFORE RELEASE, AND ALL CASES ARE REVIEWED REGULARLY. APPARENTLY SOME OF THOSE RELEASED HAVE BEEN SUBSEQUENTLY REARRESTED. APPROXIMATELY 1,000 REMAIN IN DETENTION. NO MEMBERS OF THE PREVIOUS DEMOCRATICALLY-ELECTED GOVERNMENT HAVE BEEN ARRESTED OR DETAINED. THE NEW LEADERSHIP HAS INDICATED THAT ORDER 22 STILL REMAINS IN FORCE.

D) DENIAL OF FAIR PUBLIC TRIAL: EXCEPT FOR THE PROVISIONS OF ORDER NUMBER 22, THAI CITIZENS CONTINUE TO ENJOY PRESUMPTION OF INNOCENCE AND HAVE ACCESS TO COURTS OR ADMINISTRATIVE BODIES IN ORDER TO REDRESS PERCEIVED VIOLATIONS OF THEIR RIGHTS UNDER LAW. UNDER THE PROVISIONS OF MARTIAL LAW, HOWEVER, THOSE ACCUSED OF CERTAIN CATEGORIES OF CRIMES RELATED TO NATIONAL SECURITY MUST BE TRIED BY A MILITARY COURT. CERTAIN PROCEDURES UNDER MILITARY COURT REGULATIONS ARE NOT IN ACCORD WITH COMMONLY ACCEPTED JUDICIAL GUARANTEES. THE INTERNATIONAL COMMISSION OF JURISTS HAS STATED THAT THE THAMMASAT 18 SHOULD RECEIVE MINIMUM JUDICIAL GUARANTEES INCLUDING THE RIGHT TO A DEFENSE LAWYER AND THE RIGHT TO APPEAL WHICH THEY DID NOT
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HAVE UNDER MILITARY COURT PROCEDURES. THE NEW GOVERNMENT ON NOVEMBER 9 AMENDED THE MILITARY COURT ACT TO PERMIT DEFENDANTS THE RIGHT TO LEGAL COUNSEL.

E) INVASION OF THE HOME: THE RIGHT TO PROPERTY AND

SECURITY OF THE PERSON ARE NOT SPECIFICALLY GUARANTEED BY THAILAND'S PRESENT CONSTITUTION. HOWEVER, THE PRIVACY OF THE HOME IS GENERALLY RESPECTED. THERE ARE NO REPORTS OF THE ARBITRARY SEIZURE OF PRIVATE PROPERTY.

2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

A) FREEDOM OF THOUGHT, RELIGION, ASSEMBLY: THE BROAD PROVISIONS OF ORDER 22 WHICH CONTAIN GENERAL PROHIBITIONS AGAINST "INSTIGATING CONFUSION", ADVOCATING POLITICAL SYSTEMS OTHER THAN THOSE HEADED BY THE KING, AND STRIKING BY ORGANIZED LABOR IMPLY RESTRICTIONS ON FREEDOM OF SPEECH. MOST THAI ARE CAUTIOUS LEST THEY VIOLATE ORDER 22. NEVERTHELESS, PRIVATE DISCUSSIONS OF A POLITICAL NATURE REMAIN GENERALLY UNINHIBITED. MEETINGS OF OVER FIVE PERSONS WERE BARRED BY THE PREVIOUS THANIN GOVERNMENT. THIS REGULATION AS WELL AS A LEGAL RULING WHICH DECLARED STATE ENTERPRISE UNIONS TO BE ILLEGAL RESULTED IN A SEVERE RESTRICTION ON ORGANIZED LABOR ACTIVITY. THESE RESTRICTIONS REMAIN IN EFFECT AT THE MOMENT. HOWEVER, THE NEW PRIME MINISTER HAS EXPRESSED HIS INTENTION TO LISTEN SERIOUSLY TO ORGANIZED LABOR. FOR EXAMPLE, PRIME MINISTER KRIANGSAK HAS MET LABOR LEADERS AND EXPRESSED SUPPORT FOR INCLUSION OF STATE ENTERPRISE UNIONS UNDER THE LABOR RELATIONS ACT OF 1975 AND FOR REGISTRATION OF THE LABOR CONGRESS OF THAILAND AS A LEGALLY RECOGNIZED LABOR COUNCIL. FREEDOM OF RELIGION IS PRACTICED THROUGHOUT THAILAND.

B) FREEDOM OF MOVEMENT: RESTRICTIONS ON TRAVEL IN THAILAND ARE LIMITED TO A 1-4:30 A.M. CURFEW IN BANGKOK
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AND RESTRICTIONS ON ENTRY INTO RURAL BASE AREAS USED BY COMMUNIST INSURGENTS. THERE ARE NO RESTRICTIONS ON FOREIGN TRAVEL OR EMIGRATION.

C) DEMOCRATIC PROCESSES: THE KRIANGSAK GOVERNMENT WAS APPOINTED FOLLOWING A COUP D'ETAT BY SENIOR THAI MILITARY COMMANDERS ON OCTOBER 20, 1977. POLITICAL PARTIES REMAIN ILLEGAL, ALTHOUGH MOST FORMER POLITICAL PARTY LEADERS RETAIN THEIR FORMER PARTY CONTACTS AND ARE IDENTIFIED IN THE PUBLIC MIND AS LEADERS OF POLITICAL GROUPINGS. THE GOVERNMENT TACITLY RECOGNIZED THIS WHEN IT NAMED SEVEN LEADERS OF FORMER MAJOR PARTIES TO SERVE ON THE CONSTITUTIONAL DRAFTING COMMITTEE. THE NEW LEADERSHIP HAS DECLARED ITS INTENTION TO HOLD GENERAL ELECTIONS NO LATER THAN APRIL 1979. THE FORM OF THESE ELECTIONS HAS NOT YET BEEN SPECIFIED.

3.A) RECENT TRENDS IN GOVERNMENTAL POLICIES RELATING TO THE FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER,

HEALTH CARE AND EDUCATION: PUBLIC EDUCATION AGRICULTURAL DEVELOPMENT AND HEALTH CARE PROGRAMS ARE ALREADY GOOD, AND THE NEW LEADERSHIP HAS STATED THAT IT INTENDS TO MAKE EFFORTS TO UPGRADE THE STANDARD OF LIVING OF THAI FARMERS.

B) CORRUPTION IS AN ENDEMIC PROBLEM IN THAILAND, AS IN MANY COUNTRIES. PUBLIC OFFICIALS ARE PAID MINISCULE SALARIES WHICH THEY AUGMENT BY OFTEN DEMANDING ADDITIONAL PAYMENTS FOR SERVICES RENDERED. NEEDLESS TO SAY, THE ELITES OF SUCH SOCIETIES REAP GREATER ABSOLUTE BENEFITS FROM CORRUPTION THAN THE AVERAGE AND POOR CITIZENS. THERE ARE NO CURRENT STUDIES OF WHICH WE ARE AWARE THAT MEASURE THE EXTENT TO WHICH CORRUPTION DIVERTS RESOURCES FROM THE POOR.
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4. THE LEVEL OF THE GOVERNMENT'S RESPONSIBILITY FOR THE FOREGOING HUMAN RIGHTS RECORD: UNTIL THE OCTOBER 6, 1976 COUP D'ETAT, THAILAND WAS GOVERNED BY A DEMOCRATICALLY-ELECTED GOVERNMENT WITH HUMAN AND POLITICAL RIGHTS COMPARABLE TO OUR OWN. HOWEVER, DURING THE YEARS (1973-76) WHEN THAILAND WAS GOVERNED DEMOCRATICALLY, THERE WERE FOUR DIFFERENT GOVERNMENTS AND EXTENSIVE SOCIAL UNREST. THE MILITARY GROUP WHICH EFFECTED THE COUP IN 1976 AND AGAIN IN 1977 IS RESPONSIBLE FOR THE CURRENT HUMAN RIGHTS RECORD. HOWEVER, GROWING DIFFERENCES, INCLUDING SOME INVOLVING HUMAN RIGHTS ISSUES, EMERGED BETWEEN THE MILITARY GROUP AND FORMER PRIME MINISTER THANIN. THE CURRENT GOVERNMENT IS LIBERALIZING SOME OF THE THANIN GOVERNMENT'S HUMAN RIGHTS POLICIES. THE THAI MILITARY IN 1976 STATED THAT THEY SEIZED CONTROL OF THE GOVERNMENT TO RESTORE SOCIAL ORDER AT A TIME WHEN THAILAND WAS THREATENED BY AN INTERNAL COMMUNIST INSURGENCY AND AN EXTERNAL THREAT FROM COMMUNIST INDOCHINA. THE MILITARY OFFICERS WHO REMOVED THEIR CIVILIAN PRIME MINISTER IN 1977 CONTINUE TO PLACE HIGH PRIORITY ON THAILAND'S SECURITY.

5. THE PAST RECORD OF THE GOVERNMENT REGARDING INDEPENDENT INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS: THERE HAVE BEEN NO INSTANCES TO OUR KNOWLEDGE WHERE THE THAI GOVERNMENT HAS THWARTED SUCH AN INVESTIGATION. THERE APPARENTLY HAVE NOT BEEN ANY HUMAN RIGHTS REPORTS ON THAILAND BY AMNESTY INTERNATIONAL. FREEDOM HOUSE LISTS THAILAND AS "NOT FREE". END TEXT.

6. AMBASSADOR WHITEHOUSE WILL REVIEW BOTH PARTS A AND B IN DEPT. VANCE

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<< END OF DOCUMENT >>

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